

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: § Case No. 07-36424-H1-7

JULIET HOMES, LP, §
Debtor § (Chapter 7)

JULIET GP, LLC, § Case No. 07-36426-H1-7
Debtor §
§ (Chapter 7)

IN RE: §

DOUGLAS A. BROWN, § Case No. 07-36422-H1-7
Debtor §
§ (Chapter 7)

JOSEPH M. HILL, TRUSTEE §
AND W. STEVE SMITH, TRUSTEE, §
Plaintiffs §

v. § Adversary No. 09-3429

ALEX ORIA ET AL., §
Defendants §

ORDER

On this ____ day of _____, 2010, upon consideration of the Motion of Don Sanders, Don Weir, Sanders 1998 Childrens Trust, and Sanders Opportunity Fund, L.P. to Dismiss Trustees' Amended Complaint as to such Defendants or, in the Alternative, For More Definitive Statement and to Sever, and all responses thereto, it is hereby

ORDERED, that the Motion to Dismiss Trustees' Amended Complaint as to Don Sanders, Don Weir, Sanders 1998 Childrens Trust, and Sanders Opportunity Fund, L.P. is granted; and it is further

ORDERED, that the First of Cause of Action Preferential Transfer under U.S.C. §547, Second Cause of Action Fraudulent Transfer under the Bankruptcy Code and State Law, Third

Cause of Action Recovery of Avoided Transfer under 11 U.S.C. §550, Fourth Cause of Action Piercing the Corporate Veil, Fifth Cause of Action Unjust Enrichment, and Sixth Cause of Action Recovery of Attorneys' Fees and Expenses against Sanders 1998 Childrens Trust and Sanders Opportunity Fund, L.P. are dismissed; and it is further

ORDERED, that all claims under the First of Cause of Action Preferential Transfer under U.S.C. §547, Second Cause of Action Fraudulent Transfer under the Bankruptcy Code and State Law, and Third Cause of Action Recovery of Avoided Transfer under 11 U.S.C. §550, under Section 547 and 548 of the Bankruptcy Code against Don Sanders and Don Weir that pertain to payments made more than a year before the petition dates are dismissed, and it is further

ORDERED, that all claims under the Second Cause of Action Fraudulent Transfer under the Bankruptcy Code and State Law and Third Cause of Action Recovery of Avoided Transfer under 11 U.S.C. §550, under the Texas Uniform Fraudulent Transfer Act against Don Sanders and Don Weir that pertain to payments made more than four years prior to the filing of the Trustees' Complaint are dismissed, and it is further

ORDERED, that the First of Cause of Action Preferential Transfer under U.S.C. §547, Second Cause of Action Fraudulent Transfer under the Bankruptcy Code and State Law, Third Cause of Action Recovery of Avoided Transfer under 11 U.S.C. §550, Fourth Cause of Action Piercing the Corporate Veil, Fifth Cause of Action Unjust Enrichment, and Sixth Cause of Action Recovery of Attorneys' Fees and Expenses against Don Sanders and Don Weir are dismissed for failure to state a claim upon which relief can be granted; and it is further

ORDERED, that all fraud claims under the First of Cause of Action Preferential Transfer under U.S.C. §547, Second Cause of Action Fraudulent Transfer under the Bankruptcy Code and State Law, and Third Cause of Action Recovery of Avoided Transfer under 11 U.S.C. 550, under

Section 548 of the Bankruptcy Code and the Texas Uniform Fraudulent Transfer Act against Don Sanders and Don Weir are dismissed for failure to plead the claims with sufficient particularity; and it is further

ORDERED, that the Trustees are granted leave to amend, within ____ day, their Complaint against Don Sanders and Don Weir to state a claim upon which relief may be granted and to plead the fraud claim with further particularity, and it is further

ORDERED, that the Defendants shall have 30 days from the filing of the Trustees' further Amended Complaint to file an Answer; and it is further

ORDERED, that all claims of the Trustees' against Don Sanders and Don Weir that are stated in Trustees' further Amended Complaint are severed from the claims against all other Defendants in this proceeding and shall proceed separately.

By the Court:

United States Bankruptcy Judge